

REMARKS

Claims 1-27 are pending in this application. Claims 18-27 have been added above. Support for claim 18 comes from claim 1 as originally presented and corrects an error in claim 4 as originally presented. Claim 4 originally provided that A could be CH₂CHCOOH, but the -COOH portion of this group is provided by R₂, rather than A. Group A as defined in claim 1 does not comprise a -COOH group. New claim 19 corresponds to claim 9 but is dependent on claims 15 and 16. New claim 20 corresponds to claim 10 but is dependent on claim 19. New claim 21 corresponds to claim 11 but is dependent on claims 15 and 16. New claim 22 corresponds to claim 12 but is dependent on claim 21. New claim 23 corresponds to claim 13 but is dependent on claim 22. New claim 24 corresponds to claim 14 but is dependent on claims 15 and 16. New claims 25 and 26 are supported by claim 1 as originally presented, and new claim 27 is supported by claim 9 as originally presented.

A number of other minor amendments have been made above. Claims 2 and 17 have been amended to have the language regarding stereoisomers and salts conform with the language of claim 1. Claims 3, 4, 5 and 6 have been amended to refer to a singular compound rather than to multiple compounds, again to conform with the language of claim 1. Claim 6 also has been amended to correct an error similar to that in claim 4 discussed above.

Claims 12 and 13 have been rejected on the basis that the claims dependencies were improper. Applicants submit that this rejection has been obviated by the amendments above to claims 12 and 13. Support for the amendments comes from claims 9 and 10, respectively.

The examiner noted that the subject matter of claim 8 (the elected species) remains free of the prior art but that the claim is objected to as dependent upon a rejected base claim. As discussed below, claim 1 has been amended to overcome the rejection.

Claims 1-7 and 9-17 have been rejected under 35 U.S.C. §102(b) as clearly anticipated by *J. Chem. Soc.* (1952), p. 137-141 (CAPLUS abstract). The examiner asserted that the reference teaches Applicants' compound, as disclosed as RN=879123-37-2. This rejection is traversed.

Claims 1 and 15 have been amended to exclude from the scope of the claim compounds in which Y is an alkoxy group or an acyloxy group. These amendments clearly distinguish the compounds encompassed by claim 1 from the compound 60330-48-5 of the cited reference. The prior art compound comprises a -C(O)-CH₂-CH(COOH)-NH-CO-OEt group attached to the benzene ring. In the compounds of claims 1 and 15 as amended, the corresponding group has the formula -C(O)-CH₂-CH(COOH)-NH-X-Y, wherein X can be a >CO, >CS, an alkylene group or a single bond and Y is any of a wide variety of substituents other than an alkoxy group or acyloxy group. There is no teaching or suggestion in the cited reference of a compound

in which the terminal -NH-CO- group carries any of the substituents listed in claim 1. As claims 1 and 15 are not anticipated by the reference, neither are any of the claims dependent upon claim 1.

Although independent claims 16 and 17 were included within this rejection, neither claim is anticipated by the cited abstract. In claim 16, the benzene ring of the compounds claimed carries, in addition to a (substituted) amino group and the carbonyl-containing substituent, an additional non-hydrogen substituent. The reference does not disclose—or even suggest—such compounds. Claim 17 is directed to compounds of formula (I) wherein Y is an optionally substituted 2-furyl, 2-dihydrofuryl or 2-tetrahydrofuryl group, or Y is hydrogen or a ring-substituted styryl group, all of which are significantly different from an alkoxy or acyloxy group.

Neither are new claims 25 or 26 anticipated by the reference. Both claims encompass compounds in which the Y substituent of the generic formula can be an acyloxy or alkoxy group, but the possible substituents for the various R groups are such that the compounds are clearly distinguishable from the compound of the reference.

Applicants submit that in view of the foregoing amendments and discussion the pending claims of the application are in condition for allowance.

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The fees for the additional claims with the exception of claims 25-27 were submitted with the Amendment dated June 5, 2009. The fee for these further three new claims is provided herewith.

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